

AGENDA
Inland Wetland Agency
REGULAR MEETING
MONDAY, July 1, 2013
Council Chambers, Audrey Beck Building

Call to Order: 7:00 PM

Review of Minutes of Previous Meetings and Action Thereon:

6.03.2013 - Regular Meeting
6.12.2013 - Field Trip

Communications:

Conservation Commission W1521 - James Newcity
GM Monthly Business memorandum

Public Hearings: None

Old Business:

W1519 - Town of Mansfield - Rte 195 Streetscape
W1520 - OMS Development LLC - Rte 44/195
W1521 - James Newcity - Monticello/Davis Rd - house in 150' regulated area

Pending:

W1502 - Wetlands Violation Ordinance - tabled (no new information)

New Business:

Request to proceed:
Housing Consultants LLC - 24 & 24A Ball Hill Rd

Reports of Officers and Committees:

Other Communications and Bills:

Spring 2013-THE HABITAT
DEEP: Pond pesticide treatment - 39 Candide Lane
DEEP: Public Hearing notice - Hillside Rd to Route 44

Adjournment:

DRAFT MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting
Monday, June 3, 2013
Council Chambers, Audrey P. Beck Municipal Building

Members present: Chairman J. Goodwin, B. Chandy, R. Hall, K. Holt, G. Lewis, B. Pociask, K. Rawn, B. Ryan,
Members absent: P. Plante
Alternates present: A. Marcellino, V. Ward, S. Westa
Staff present: Grant Meitzler, Wetlands Agent

Chairman Goodwin called the meeting to order at 7:00 p.m. Ward was seated in Plante's absence.

Minutes:

05-06-13 - Regular Meeting- Ward MOVED, Hall seconded, to approve the 05-06-13 minutes as written. MOTION PASSED UNANIMOUSLY. Goodwin stated she listened to the recording.

05-15-13 – Special Meeting, Field Trip – Holt MOVED, Ryan seconded, to approve the 05-15-13 Field Trip minutes as written. MOTION PASSED with Goodwin, Holt, Hall, Ryan and Ward in favor and all others disqualified.

Communications:

The Draft 5-15-13 Conservation Commission Minutes and the 5-29-13 Wetlands Agent's Monthly Business report were noted.

Old Business:

W1517 – Costigliola – 111 Dunham Pond – Garage.

Holt MOVED, Ryan seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Frank Costigliola (File #W 1517) for construction of a 24-foot by 30-foot garage, on property owned by the applicants and located at 111 Dunham Pond Road, as shown on plans with a date revised to 4/22/13, and as described in other application submissions.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized;
2. Silt fence is to keep sediments from excavations from moving into adjacent maintained areas.

This approval is valid for five years (until June 3, 2018), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment. MOTION PASSED UNANIMOUSLY

W1518 – Lapsis – 107 Candide Lane – Garage

Holt MOVED, Ryan seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Christopher and Amy Lapsis (File #W 1518) for construction of a 24-foot by 36-foot garage attached by a breezeway to an existing house, on property owned by the applicants and located at 107 Candide Lane, as shown on plans with a date revised to 4/25/13, and as described in other application submissions.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized;
2. Silt fence shall be placed along the downhill side of the work area.

This approval is valid for five years (until June 3, 2018), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work

shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment. MOTION PASSED UNANIMOUSLY

W1519 – Town of Mansfield – Route 195 Streetscape

Item was tabled to the 7/1/13 meeting.

W1520 – OMS Development, LLC – Driveway Revisions, building addition

Item was tabled to the 7/1/13 meeting.

Pending:

W1502 - Wetlands Violation Ordinance

Item was tabled– no new information.

New Business:

W1521 – James Newcity – Lot 17, Davis Manor, Monticello Lane-New Single Family Home

Ryan MOVED, Holt seconded, to receive the application submitted by James Newcity, (File W1521) under the Wetlands and Watercourses Regulations of the Town of Mansfield for a single family residence, on property located at lot #17, Davis Manor and Monticello Lane, as shown on a map with a date of 04-25-13, and as described in application submissions, and to refer said application to staff and Conservation Committee for review and comments. MOTION PASSED UNANIMOUSLY.

Other Communications and Bills:

Noted.

Adjournment:

The Chairman set a Field Trip on the new business items for 6/12/13 at 3:30 p.m. and declared the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
CONSERVATION COMMISSION
FIELD TRIP

Special Meeting
Wednesday, June 12, 2013

Members present: J. Goodwin, R. Hall, A. Marcellino, B. Ryan, V. Ward
Others: S. Lehman
Staff present: G. Meitzler, Wetlands Agent

The field trip began at 3:30 p.m.

1. W1521 –Newcity – Lot 17, Davis Manor, Monticello Lane

Members were met on site by James Newcity. Members observed current conditions, and site characteristics. No decisions were made.

The field trip ended at approximately 4:00 p.m.

Respectfully submitted,

K. Holt, Secretary

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Town of Mansfield
CONSERVATION COMMISSION
Meeting of 19 June 2013
Conference B, Audrey P. Beck Building
(draft) MINUTES

Members present: Aline Booth (Alt.), Joan Buck (Alt.), Neil Facchinetti, Quentin Kessel, Scott Lehmann, Michael Soares. *Members absent:* Robert Dahn, Peter Drzewiecki, John Silander.

1. The meeting was **called to order** at 7:33p by Chair Quentin Kessel. Booth and Buck were designated voting members for the meeting.

2. The **draft minutes** of the 15 May 2013 meeting were approved as written.

3. **IWA referral: W1521 (Newcity, Davis Manor Lot 17, Monticello Lane).** {Lehmann participated in the IWA Field Trip to this site on 12 June; his report is attached.} A single-family home is proposed for a 0.92 acre lot on the corner of Davis Road and Monticello Lane. An extensive wetland along Monticello Lane to the NE extends a small distance into the property near the road; a proposed retaining wall would be about 40' from its edge. The proposed septic leaching field in the E corner of the lot would also be about 40' from an off-the-property portion of the same wetland, though its down-slope distance to the wetland is greater. After some discussion, the Commission agreed to the following **motion** (Lehmann, Buck): no significant impact on wetlands is likely from this project as long as construction activity is confined to the house-side of the ragged stone wall that parallels the NE boundary of the lot and standard erosion controls are in place during construction. All were in favor, save Booth, who wanted more information from the Wetlands Agent and abstained.

4. **Mansfield Tomorrow Project.** Buck attended a recent meeting of the Agriculture Focus Group, which has settled on goals for agriculture in Mansfield and is working on strategies to realize them.

Facchinetti and Soares attended a recent meeting of the Housing Focus Group to hear estimates of increased demand for housing due to UConn's planned expansion and the new Tech Park (1,100 new household units at 2.4 persons per unit by 2025, assuming UConn continues to provide housing for 70% of its students—2,800 new units if UConn houses only 50% of the new students). The Group then considered how to accommodate this increased demand without sacrificing things (farmland, open space, etc.) that make Mansfield a nice place to live. Two-acre zoning does not appear to be sufficient; high-density housing, concentrated in areas served by sewer and water, will be required. In discussion, Commission members suggested rebuilding some existing housing developments (Carriage House) to higher density, rebuilding some commercial areas (Grand Union plaza, East Brook Mall, etc.) on the Storrs Center model (businesses at street level, residential units above), and utilizing land at the Mansfield Training School now occupied by the vacant prison for high-density housing.

The project managers hope to have a draft of the new Plan of Conservation and Development, informed by discussion in the focus groups, ready for committee review in September, and a final version to the PZC in November to initiate the public hearing process.

5. **Water Source Study.** At a recent meeting of the Water and Wastewater Advisory Committee, Kessel (speaking as a private citizen) urged the Town to take over the Fenton and Willimantic wellfields in the event that the University (having secured water elsewhere) abandons them, in order to insure that the associated public water-supply watersheds are

protected from development.

6. Alternate UConn Master Drainage Plan. The DEEP and UConn now seem to agree on amending the Master Drainage Plan to address storm-water and pollution issues in the Eagleville Brook drainage through Low Impact Development (rain gardens, pervious pavement, etc.) at UConn instead of diversions to Roberts Brook (in the Fenton public water-supply watershed).

7. Agronomy Farm. Facchinetti reported that, while UConn has yet to divulge any more information about chemical use at the Agronomy Farm, a bill (H.B. 6706) passed by the legislature and awaiting the Governor's signature requires the DEEP to review pesticide protocols and groundwater monitoring at the Farm and to recommend any needed changes. Greg Haddad, Mansfield's Representative, was instrumental in moving the bill through the legislative process. The Commission commended Facchinetti for his persistence in seeking to determine whether pesticide use at the Farm threatens water quality in neighborhood wells.

8. CL&P Interstate Reliability Project. This project is ready to roll—the meetings now being held are just to inform people along the right-of-way about what is going to happen in their neighborhoods.

9. Adjourned at 8:46p. Next meeting: 7:30p, Wednesday, 17 July 2013.

Scott Lehmann, Secretary, 20 June 2013; amended 20 June 2013.

Attachment: 12 June IWA Field Trip report (Lehmann)

W1521 (Newcity, corner of Davis Rd. and Monticello La.) A single family home is proposed for this large corner lot. A large wetland lies NE of the property, impinging on it only in a small area near Monticello La. between the NE boundary of the property and a ragged stone wall that runs parallel to it back from the road. The end of a proposed retaining wall to raise the elevation of the front yard would be about 40' from this wetland. The septic leaching field in the E corner of the property would be about 40' from another portion of the wetland off the property, though the distance to this wetland along the slope of drainage is greater. I do not foresee a significant wetlands impact as long as construction activity is confined to the area SW of the ragged stone wall and standard erosion controls are employed.

Memorandum:

June 27 , 2013

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: Monthly Business

W1419 - Chernushek - hearing on Order

- 3.10.09: The hearing on the Order remains open and should continue until the permit application under consideration is acted upon.
(The Order was dropped on approval of the application required in the Order.)
- 4.30.09: Former rye grass seeding is beginning to show green. I spoke with Mr. Chernushek this afternoon who indicated health problems that delayed his starting but indicated he will be working this weekend. I will update on this Monday evening.
- 5.26.09: A light cover of grass growth has come in. Mr. Chernushek indicates health problems and two related deaths have delayed his start of work since the permit approval was granted. It appears that some light work has started. He has further indicated that he will start a vacation on June 22, 2009 to finish the work.
- 6.13.09: Work is underway.
- 6.21.09: Bulldozer work has been completed - finish work remains. The additional silt fencing has been placed along the northerly wetlands crossing, and the additional pipe under the southerly crossing has been installed. Remaining work includes finish grading along edges, spreading stockpiled topsoil, and establishing grass growth.
- 7.01.09: I spoke with Mr. Chernushek who indicated he expects work to be completed by September 1, 2009. (Site photo attached).
- 9.03.09: Mr. Chernushek has been working on levelling and grading. The formerly seeded areas have become fairly thick growth surrounding the central wet areas. He has further indicated that with the combination of weather and the slower moving of earth with the payloader compared to the earlier rented bulldozer has led him to contact contractors for earth moving estimates which have not yet been received. The site is not yet finished but has remained quite stable.
- 9.12.09: I met with Mr. Chernushek today and discussed again what his plans are for stabilizing this work site.
- 10.01.09: Mr. Chernushek indicated he has not heard back from the contractor he had spoken with about removing material, and is in progress of contacting others. In discussion is removal of material from the site either within the 100 cubic yard limit or obtaining a permit for such removal.
- 10.28.09: Mr. Chernushek has indicated he has made arrangements with DeSiato Sand & Gravel to remove 750 cubic yards of material. Staff is in the process of clarifying permit requirements.

W1445 - Chernushek - application for gravel removal from site

- 11.30.09: Packet of information representing submissions by Mr. Chernushek, Mr. DeSiato and myself is in this agenda packet as Mr. Chernusheks's request for modification.
- 12.29.09: Preparation of required information for PZC special permit application is in progress. Tabling any action until the February 1, 2010 meeting is recommended.
- 1.12.10: 65 day extension of time received.
- 2.18.10: No new information has been received.

- 2.25.10: This application has been **withdrawn**.
- 6.30.10: As viewed from the adjacent property, the upstream and downstream areas have grown to a decent protected surface. I did not see indication of sediment movement.
- 10.26.10: A sale of the East portion of the Chernushek property has been in negotiation.
- 12.27.10: The property exchange has been completed. The owner is now the neighboring property owner Bernie Brodin. He has indicated his intention to stabilize the area as weather permits.
- 4.25.11: Mr. Brodin indicates he is starting with grading and spreading hay and seed to stabilize disturbed areas.

Mansfield Auto Parts - Route 32

- 5.01.12: Payloader remains in the same location with a bad motor.
- 5.17.12: Payloader and the one vehicle have been moved. There are no vehicles within 25' of wetlands.
- 6.22.12: Inspection - no vehicles are within 25' of wetlands.
- 7.10.12: Inspection - no vehicles are within 25' of wetlands.
- 8.16.12: Inspection - no vehicles are within 25' of wetlands.
- 9.19.12: Inspection - no vehicles are within 25' of wetlands.
- 10.05.12: Inspection - no vehicles are within 25' of wetlands.
- 11.01.12: Inspection - no vehicles are within 25' of wetlands.
- 11.20.12: Inspection - no vehicles are within 25' of wetlands.
- 12.13.12: Inspection - no vehicles are within 25' of wetlands.
- 1.14.13: Inspection - no vehicles are within 25' of wetlands.
- 2.25.13: Inspection - car storage areas are snowed in, not accessible.
- 3.12.13: Inspection - no vehicles are within 25' of wetlands.
- 4.25.13: Inspection - no vehicles are within 25' of wetlands.
- 5.17.13: Inspection - no vehicles are within 25' of wetlands.
- 6.06.13: Inspection - no vehicles are within 25' of wetlands.

Memorandum:

June 27, 2013

To: Inland Wetland Agency

From: Grant Meitzler, Inland Wetland Agent

Re: Town of Mansfield - Storrs Center Streetscape *extension* - *W/519*

Plan reference: dated May 2013

This application proposes extension of the pedestrian walkway that now runs from South Eagleville Rd to Hanks Hill Rd farther to the south to the northerly Liberty Bank drive and along Flaherty Rd as far as Storrs heights Rd. On Rte 195 the pathway extends approximately 1075 feet south from Hanks Hill Rd along the west side of Rte 195. The Flaherty Rd section runs approximately 940 feet also along the west side of the road.

Push button pedestrian cross walk blinkers at Hanks Hill/Flaherty Rds and at the Liberty Bank drive are proposed.

The wetlands here are tributary to the Fenton River with flow coming from the Tiffit/Sullivan's Pond to a large wetland area paralleling Rte 195 and then crossing under Rte 195 and Flaherty Rd and flowing east parallel to Hanks Hill Rd. The wetlands/watercourses can be described as the watercourse for Hanks Hill Brook itself and the adjacent wetland area along each side. These adjacent areas are typical tree/shrub swamp areas.

Work actually in wetlands is limited to the areas where the Hanks Hill Brook flows under each road fill or pipe extension is needed to create the pathway surface.

1. All of the proposed work along Rte 195 is within the 150' regulated areas next to wetlands (except the work installing lights along the 730' from Rte 275 to Hanks Hill Rd where the new trail starts).

Work actually in wetlands is limited a short section of the new path between station 11+50 and 12+80. The trail has been moved a little closer to Rte 195 to minimize slope work and potential impact on the large existing brook crossing under Rte 195 in a 32 inch pipe. No alteration of this existing pipe is planned.

DOT has required an additional catch basin on Rte 195 at the low point (station 11+75). The outflow protection for the 15" pipe from this basin will extend approximately 10' into the edge of the mapped wetlands. This is standard treatment and this work will eliminate a present erosion point where runoff flows over the bank.

At station 17+70 there is a 12" pipe that carries water from the

Liberty Bank site across Rte 195. The outlet for this pipe is mapped as wetlands/watercourse and outlets within the indicated slope limit for filling that is needed along this section of Rte 195.

Drainage from Rte 195 is presently by sheet flow off the sides of the road. With the pathway placed on the shoulder, a low barrier will contain runoff on the pavement of Rte 195 that will run to a new catch basin at the low point. Sheet flow from the path area will be reduced and flow downslope towards the adjacent wetlands.

Erosion matting is shown between 10+50 and 12+75 through the area where wetlands are closest to the slopes adjacent to the path (5' to 6' typically).

2. Crossing under Flaherty Rd the mapped wetland/watercourse is about 40' wide. South of the brook area at the low point there are no wetlands, and the 150' regulated area adjacent to wetlands does not reach the southerly 550 feet of the Flaherty Rd pathway.

Drainage along Flaherty Rd has been kept as it presently exists by sloping the pathway towards the present gutter line that carries water down the hill along the edge of the road.

Silt fence protection has been indicated along the full length of the pathway. In steeper slope areas (those nearest wetlands 10+50 to 12+75) erosion matting has been specified.

Specific seeding instructions for slope treatment and stockpile areas have been provided.

Recognizing that Route 195 is a state highway I suggest a condition that any approval from the Wetlands Agency become effective once other required approvals are obtained.

Wetlands Draft Approval Motion for:

Re: W1519 - Town of Mansfield

_____ moves and _____ seconds, to approve the application for wetlands file W1519, submitted by the Town of Mansfield for the Storrs Center Streetscape^{extension} a project to extend a pedestrian pathway from Hanks Hill Rd south along Route 195 to the Liberty Bank, and along Flaherty Rd to Storrs Heights Rd, as depicted on a plan dated May 2013, and as described in other application materials.

This action is based on a finding of no significant impact, and is conditioned on the following provisions being met:

1. All erosion and sediment controls as described in the application shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.
2. This approval is to become effective once the Connecticut Department of Transportation has granted their approval for this project.

This approval is valid for a period of five years (until July 1, 2018), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment.

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Memorandum:

June 23, 2013

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: W1520 - OMS Development - 1659 Storrs Rd

plan reference: dated May 28, 2013

This application proposes modifications to driveways, parking and a building addition to an existing site at the intersection of Rtes 44 & 195. No work is proposed directly in wetlands. Work within 150' of wetlands is limited to the new driveway at the Rte 320 signal light, about 60' of the extended parking area, and about 60' of the proposed two lane drive through.

The wetlands here are entirely in the wooded area on the adjacent OMS Development property. This wetland is located between 40 and 50 feet into the wooded area to the north of the proposed new Rte 195 drive. Drainage from this location is to the north and west finally ending up in the Nelson Brook and the Willimantic River. This wetland is a typical Tree and shrub swamp with very heavy low growth around the edges of the wetland making access somewhat difficult.

I see no problems with the existing drainage on the site. The widening and reshaping of the window drive directs flow from this drive to the northwest. The addition of on-site parking has also added paved surface to the site. This drainage has been directed to a new catch basin in the proposed Rte 195 drive. I have asked for a "rain garden" Treatment of this additional flow with overflow to the existing system. Atty. Schragger has indicated this is being done and this plan revision is expected at the meeting on Monday July 1, 2013.

Deeds and Easements

The revisions proposed will result in placement of a portion of the drive through window access, and the new Rte 195 drive and new on-site parking areas and drainage on the adjacent property to the north and west. This land is presently under the same ownership but should be covered by easement rights or redefinition of the property line between the two parcels to avoid separation of these proposed changes by a future change of ownership. Draft deed and easement documents, together with certificate of title, and mortgage releases as needed, should be submitted for review.

Because the deadline for action is July 7, 2013 action is needed at the July 1, 2013 meeting or an extension of time is needed from the applicant. A draft motion has been prepared indicating a follow-up submission of the rain garden drainage treatment by agency officers and staff.

Wetlands Draft Approval Motion for:

Re: W1520 - OMS Development LLC

_____ moves and _____ seconds, to approve the application for wetlands file W1520, submitted by OMS Development LLC for additions and modifications to property located at 1659 Storrs Road, a gasoline service and convenience store business with associated improvements, on property owned by the applicant and located on the northwest corner of the Storrs Road and Middle Turnpike intersection Rd intersection as depicted on a plan dated 5/28/2013, and as described in other application materials.

This action is based on a finding of no significant impact, and is conditioned on the following provisions being met:

1. All erosion and sediment controls as described in the application shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.
2. Plans for "rain garden" treatment of runoff from proposed new paved surfaces are to be submitted to the Planning Office for review by Agency Officers and staff before this approval becomes effective.
3. Deed documents to guarantee continuation of access and drainage rights are to be submitted for review and approval by the Agency Officers and staff before this approval becomes effective.

This approval is valid for a period of five years (until July 1, 2018), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment.

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Memorandum:

June 18, 2013

To: Inland Wetland Agency

From: Grant Meitzler, Inland Wetland Agent

Re: W1521 - Newcity - Monticello La/Davis Rd - house in buffer

Plan reference: dated 4-25-2013

This application proposes construction of a single family house on a lot within the Davis Manor subdivision which has remained undeveloped since the 1960's. Portions of proposed work are within 150' regulated areas. No work is proposed directly in wetlands

The mapped wetlands here are tributary to the Schoolhouse Brook with portions of a large wetland to the east being located along the easterly property line of this lot.

	Separating Distance From wetlands
House	71'
Septic system	52
Reserve	50
Driveway	97
Front yard grading..	45
Well	65
Footing drain	23

There is a low stone wall that lies about 25' inside the easterly property line. All of the wetlands mapped are on the opposite side of this wall from the proposed development. This should provide an additional modest barrier To any sediment movement from the proposed work site.

The total amount of fill is indicated as 415 cubic yards with 65 cubic yards for the septic system, 150 cubic yards for the driveway, and 200 cubic yards for the front yard.

Silt fencing is shown downhill of the septic system and house construction areas. Silt fence protection has been shown for the proposed stockpile area.

A tracking pad is indicated for the driveway entrance.

There is a feature on this lot that bears comment. It is an old cellar excavation that apparently dates from the time of the original subdivision. This was full of water at the time of the field trip. I spoke with the soil scientist, John Ianni about this. He indicated his examination of the soils on this lot was in April 2013 and there was no water at that time. In addition his testing showed no wetlands, watercourse, or vernal pool at this location. That is consistent with my observations dating over many years. I think removal of the concrete footing and filling this excavation is appropriate.

The current water levels are extremely high due to recent repeated rains. In fact, ground water levels are above the high indicated by mottling in the soil.

Wetlands Draft Approval Motion for:

Re: W1521 - James Newcity

_____ moves and _____ seconds, to approve the application for wetlands file W1521, submitted by ~~the~~ James Newcity for Lot 17 Davis Manor subdivision a single family house with associated improvements, on property owned by the applicant and located on the southeast corner of the Monticello Lane and Davis Rd intersection as depicted on a plan dated 4/25/2012, and as described in other application materials.

This action is based on a finding of no significant impact, and is conditioned on the following provisions being met:

1. All erosion and sediment controls as described in the application shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.

This approval is valid for a period of five years (until July 1, 2018), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment.

Memorandum:

June 24, 2013

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: New Business for July 1, 2013 meeting

New Applications:

Request to Proceed under Section 4.1 (a) D.

Section 4.1 (a) D. - Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot size permitted anywhere in the municipality, provided that in any town, where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot size shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse.

Section 4.1 (b) - The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse.

Section 4.1 (b) D. - Testing and monitoring associated with and related to water quality and subsurface drainage and/or sewage disposal systems.

These three sub-sections are the only places in the wetlands regulations where sewage disposal systems can be construed to be referred to.

Orchard Acres - 24 & 24A Ball Hill Road

This work involves replacement of existing septic systems for two four unit buildings located at 24 and 24A Ball Hill Road. No work in wetlands is proposed. I believe this can be considered maintenance of existing structures and provided the Health District has given final approval to the plans should be able to proceed promptly.

In the event the Agency wishes to visit the site before allowing this work to proceed, the applicant has submitted the standard application form.

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Draft Motion for Exemption request
For

Housing Consultants LLC

_____ Moves, _____ seconds to
exempt the proposed septic system repair activity on property owned by
77-80 Cheney Drive Holding LLC located at 24 and 24A Ball Hill Road,
as shown on a map dated April 16, 2013, and in other application
materials, under the provisions of Section 4 of the Wetlands and
Watercourses Regulations of the Town of Mansfield.

Section 4 - Receipt Motion

Housing Consultants LLC

_____ MOVES, and _____ seconds

to receive the application submitted by Housing Consultants LLC under Section 4 of the Wetlands and Watercourses Regulations of the Town of Mansfield requesting exemption under Section 4.1 for replacament of two septic systems at 24 and 24A Ball Hill Road on property owned by 77-80 Cheney Drive Holding LLC, as shown on a map dated April 16, 2013 and as described in other application submissions, and to refer said application to the staff and Conservation Commission, and to schedule a field trip to the site on July _____, 2013.

REQUEST FOR EXEMPTION

APPLICATION FOR PERMIT
MANSFIELD INLAND WETLANDS AGENCY
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268
TEL: 860-429-3334 OR 860-429-3330
FAX: 860-429-6863

FOR OFFICE USE ONLY	
File #	<u>exemption req.</u>
Fee Paid	<u>5115</u>
Date Received	<u>7-01-13</u>

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meltzer, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer, attach additional pages as necessary.

Part A - Applicant

Name Housing Consultants, LLC

Mailing Address 145 Sisson Avenue

Hartford, CT

Zip: 06105

Telephone-Home _____ Telephone-Business 860-231-8080

Title and Brief Description of Project

Subsurface Disposal Design - Repair Orchard Acres Map 21 Block 55

Prepared for Housing Consultants Date 04-16-2013 Map No 10507-BH

Location of Project 24-24A Ball Hill Road

Intended Start Date Summer 2013

Part B - Property Owner (If applicant is the owner, just write "same")

Name 77-80 Cheney Drive Holding, LLC

Mailing Address % CW Capital Asset Management, LLC

7501 Wisconsin Ave, Suite 500 West, Bethesda, MD Zip _____

Telephone-Home _____ Telephone-Business 202-715-9500

Owner's written consent to the filing of this application, if owner is not the applicant:

Signature Michael Greenblatt date _____

Applicant's Interest in the land: (If other than owner) Management Agent

Part C - Project Description (attach extra pages, if necessary)

- 1) Describe in detail the proposed activity here or on an attached page. (See guidelines at end of application – page 6.)

Please include a description of all activity or construction or disturbance:

- a) in the wetland/watercourse
b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

No disturbance in wetlands

Applicant proposes two septic repairs and a drainage improvement

- 2) Describe the amount or area of disturbance (in square feet or cubic yards or acres):

- a) in the wetland/watercourse
b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

No wetland disturbance

5,500 s.f. of site disturbance within 150' of offsite wetlands

- 3) Describe the type of materials you are using for the project:

Select fill and stone for leaching system

- a) include **type** of material used as fill or to be excavated Clean septic, sand & stone
b) include **volume** of material to be filled or excavated

275 c.v. of select fill within regulated area

- 4) Describe measures to be taken to minimize or avoid any adverse impacts on the wetlands and regulated areas (silt fence, staked hay bales or other Erosion and Sedimentation control measures).

Silt fence provided downgrade of proposed leachfield
within regulated area

Part D - Site Description

Describe the general character of the land. (Hilly? Flat? Wooded? Well drained? etc.)

The land in the area of the northerly septic repair has a
moderate slope and is wooded with heavy brush within regulated
area.

Part E - Alternatives

Have you considered any alternatives to your proposal that would meet your needs and might have less impact on the wetland/watercourse? Please list these alternatives.

No wetland disturbance

Part F - Map/Site Plan (all applications)

1) Attach to the application a map or site plan showing **existing conditions** and the **proposed project** in relation to wetland/ watercourses. Scale of map or site plan should be 1" = 40'; if this is not possible, please indicate the scale that you are using. A sketch map may be sufficient for small, minor projects. (See guidelines at end of application - page 6.)

2) Applicant's map date and date of last revision 04-16-2013, 6/11/13

3) Zone Classification RAR-90

4) Is your property in a flood zone? Yes x No Don't Know

Part G - Major Applications Requiring Full Review and a Public Hearing

See Section 6 of the Mansfield Regulations for additional requirements.

Part H - Notice to Abutting Property Owners

1) List the names and addresses of abutting property owners

Name	Address	
Samuel & Virginia Shepardson	16 Ball Hill Road,	Mansfield, CT 06268
Elizabeth Geissler	11 Ball Hill Road	"
Edmund & Mary Wehrle	23 Ball Hill Road	"
Wayne S. Schmidt, Trustee	31 Ball Hill Road	"
Harry & Honore A. Birkenrath	81 Ball Hill Road	"
Grand Shart, LLC	PO Box 534	"

2) **Written Notice to Abutters.** You must notify abutting property owners by certified mail, return receipt requested, stating that a wetland application is in progress, and that abutters may contact the Mansfield Inland Wetlands Agent for more information. Include a brief description of your project. **Postal receipts of your notice to abutters must accompany your application.** (This is not needed for exemptions).

Part I - Additional Notices, if necessary

- 1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield--sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.
- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

Part J - Other Impacts To Adjoining Towns, if applicable

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? ___ Yes x No ___ Don't Know
- 2) Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? ___ Yes x No ___ Don't Know
- 3) Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? ___ Yes x No ___ Don't Know

Part K - Additional Information from the Applicant

Set forth (or attach) any other information which would assist the Agency in evaluating your application. (*Please provide extra copies of any lengthy documents or reports, and extra copies of maps larger than 8.5" x 11", which are not easily copied.*)

Part L - Filing Fee

Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

___ \$1,000. ___ \$750. ___ \$500. ___ \$250. x \$125. ___ \$100. ___ \$50. ___ \$25.

x \$60 State DEP Fee

Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.

The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.

Applicant's Signature

Date

06/04/2013

**Notification to the Windham Water Works
Of Application for a Project Within the
Willimantic Reservoir Watershed – Required by Public Act 89-301**

P.A. 89-301 "An Act Implementing the Recommendations of the Water Lands Task Force and Concerning Water Diversions and Notification to Water Companies of the Storage of Hazardous Materials," requires applicants to provide a water company written notice of an application, petition, request or plan if the proposed project is located within the watershed of the wetland, zoning or planning and zoning commissions and zoning boards of appeal. The applicant must mail such notice within seven (7) days of the date of the application, by certified mail, return receipt requested. This form is furnished by the Windham Water Works to such boards and commissions in its watershed to be used by applicants to meet this requirement. Other forms or letters, as approved by each commission, may be used, but must contain the same information. To determine if a project is within the Willimantic Reservoir Drinking Water Supply Watershed, please consult the map(s) on file with the Commission or Town Clerk. Failure of an applicant to comply with this law may be grounds for a legal appeal of a decision rendered on the application due to a procedural error. Do not jeopardize your application, send your notification!

Application Submitted to: ☒ Inland Wetlands Commission
(Check one or more) ☐ Zoning Commission
☐ Planning & Zoning Commission
☐ Zoning Board of Appeals

Project is in the Town(s) of: ☐ Ashford ☐ Pomfret
(Check one or more) ☐ Chaplin ☐ Union
☐ Eastford ☐ Willington
☐ Hampton ☐ Windham
☒ Mansfield ☐ Woodstock

Type of Application: ☐ Zone Change ☐ Special Exception/Permit
☐ Subdivision ☐ Other (Describe) _____
☐ Variance Activity in upland renewal area

Name & Address of Applicant Housing Consultants, LLC Attn: Michael Grant
145 Sisson Ave Hartford, CT 06105

Project Street Location/Nearest Utility Pole 24 Ball Hole Road
CLP 2652

Contact Person Mark Petersen Phone No. 860-871-0808

Brief description of application: (For example: 30 lot subdivision of single family homes on 60,000 square foot lots with on-site septic systems and wells in North Windham)

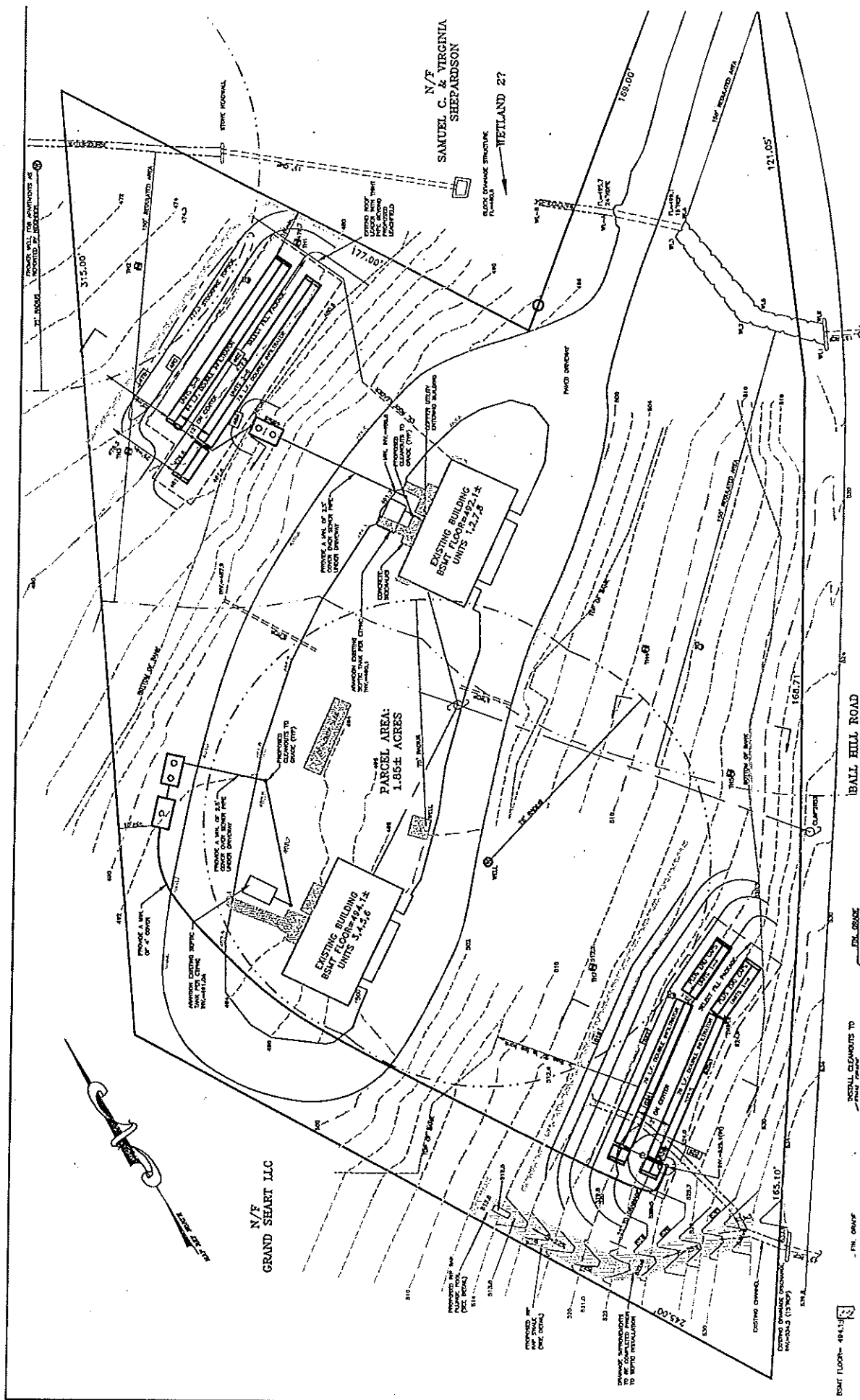
Construction of two repair septic systems.

Public Hearing Date: Not set yet Commission Meeting Date _____

Enclose a copy of the application submitted to the Town and a full set of project plans. Mail this completed form or substitute by certified mail, return receipt request to:

Windham Water Works – Superintendent
174 Storrs Road
Mansfield Center, CT 06250

*Not in watershed
of Windham Waterworks*

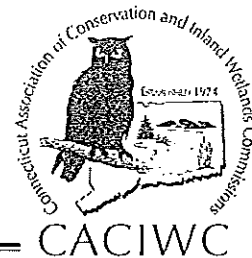


THE HABITAT

A newsletter of the Connecticut Association of Conservation
and Inland Wetlands Commissions, Inc.

Spring 2013

volume 25 number 1



Subsurface Horizontal Flow Gravel Wetland and LID: A Case Study and Regulatory Recommendations

by Sean Hayden, Northwest Conservation District

Does development always have to mean environmental degradation? I don't think so. Adding a Subsurface Horizontal Flow Gravel Wetland (Gravel Wetland) to a development project may be one of the most efficient ways to protect surrounding wetlands and water quality. Used for centuries in Europe for waste water treatment, gravel wetlands have a proven track record of being extremely efficient at removing most pollutants from stormwater runoff.

The Northwest Conservation District (NCD) assisted with the installation of the first Gravel Wetland in Connecticut. Harvest Moon Timber Frame Barn wanted to build a pre-cut post-and-beam barn manufacturing facility adjacent to a drinking water supply stream in Morris, CT. The project created approximately one acre of impervious surface that required a primary stormwater treatment practice. Primary stormwater treatment practices are stormwater runoff management strategies that have proven to be the most efficient and capable at providing high levels of water quality treatment as stand-alone devices. Chapter 6 of the 2004 Connecticut Stormwater Quality Manual CT DEEP (Stormwater Manual) contains design requirements for primary treatment practices.

NCD worked in collaboration with the Morris Inland Wetland Commission and the project design engineer to create an effective stormwater treatment system. Given the slope, soil conditions, and the proximity

of the proposed development to a drinking water resource, it was decided that a Gravel Wetland would be the most effective measure for wetland and water quality protection.

Gravel Wetlands function as a biological filter. Bioretention structures are also a type of biological filter, however, instead of moving polluted stormwater vertically through one or two feet of soil media, a Gravel Wetland filters water horizontally through roots, soil and gravel for 30 or more feet. An anaerobic environment combined with a very long filter path, makes Gravel Wetlands extremely efficient at pollutant removal. The Gravel Wetland pictured on page 5 was installed at the post-and-beam project referenced above about one year ago, and it is functioning flawlessly. Regular inspections have occurred during all four seasons, and even in February (colder than normal this year) this Gravel Wetland continues to function under the ice and snow.

Gravel Wetlands are one of many stormwater treatment measures considered for use in Low Impact Development (LID) projects. One of the principle goals of LID is to use structures that mimic natural systems to treat polluted stormwater where it is generated. Gravel Wetlands have a unique ability to strip out a broad spectrum of pollutants entrained in runoff in a relatively compact structure, making them an ideal primary treatment measure for both new development and retrofitting into developed areas. While the Stormwater Manual does not contain design specification for a Gravel Wetland, comprehensive documentation of Gravel Wetlands can be found at the University of New Hampshire Stormwater Center's website www.unh.edu/unhsc. They have designed, built, and tested Gravel Wetlands for many years, and they have published both the pollutant removal efficiencies and the design specifications on their website.

gravel, continued on page 5

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www.caciwc.org

CACIWC News Briefings

The CACIWC Board of Directors has been busy during the first few months of 2013 working to evaluate our 2012 annual meeting, tracking state legislative activity and budget negotiations, while continuing efforts to develop our new **strategic plan**. As part of the strategic planning process, we will be conducting a membership-wide survey to assess your educational needs and ensure that CACIWC is aware of any new challenges to your efforts in protecting Connecticut wetlands and other important habitats.

1. The Board of Directors has reviewed the many comments and suggestions submitted on the survey distributed at our 2012 annual meeting. If you did not have an opportunity to complete the 2012 meeting survey you can still contact us with your comments and suggestions at AnnualMtg@caciwc.org. We also very much welcome suggestions for workshop topics and speakers that you would like us to recruit for our 36th Annual Meeting and Environmental Conference, scheduled for Saturday, November 16, 2013...*save the date!* Please send your ideas to us at AnnualMtg@caciwc.org along with any other suggestions. Watch for additional conference news in upcoming issues of *The Habitat* and on our www.caciwc.org website.

2. Although we recruited a few new directors in 2012, many CACIWC board positions remain unfilled. (Please see the list in this issue of *The Habitat* and on www.caciwc.org.) We were pleased to receive approval for our bylaws amendments during our November 17, 2012 meeting (see our website for the amended bylaws: www.caciwc.org). These amendments included the creation of several **alternate at large** positions that are not restricted to a specific county. This amendment will allow us to recruit well qualified directors from areas whose county and alternate county representatives are already filled. Please submit your name to us at board@caciwc.org if you are interested in serving

CACIWC news, continued on page 13

CACIWC Membership Dues Are Due

Go to caciwc.org to download the membership form. Click on About CACIWC.



Appellate Court Decision “Stays the Course” on Substantial Evidence Overturning Wetlands Agency Grant of Permit and Addresses Guidance Documents

in

*Estate of Casimir Machowski v. Inland Wetlands Commission,
137 Conn. App. 830, cert. denied 307 Conn. 921 (2012)*

At the end of my last column I mentioned in passing that the Appellate Court ruled on the legal effect of guidance documents. Although this topic was covered in both of the sessions I offered at the 2012 CACIWC annual meeting, the Estate of Casimir Machowski case is deserving of an entire column.

In Machowski the applicant proposed to construct, 18 units in 9 duplex buildings on a 16 acre parcel containing 1.8 acres of wetlands/watercourses. The project, on steep slopes in the upland review area, would require 30,000 cubic yards of fill, with 2/3 of the fill being trucked to the site. The trial court characterized the neighborhood opposition as “vehement.”¹ Both the applicant and the commission presented experts. The agency denied the application citing the following reasons: 1) there was a feasible and prudent alternative to the placing the detention basin in fill on an extreme slope; 2) the proposed location of the basin is inconsistent with the DEP 2002 Soil and Erosion and Sedimentation Guidelines; 3) the extensive fill creates an erosion hazard upgradient of wetlands. The trial court acknowledged that no activity was proposed in the wetlands with substantial work proposed in the upland review area. The trial court dismissed the applicant’s appeal, upholding the agency denial. The Appellate Court reversed and overturned the denial of the permit.

The Appellate Court found there wasn’t substantial evidence to support the agency’s denial. Specifically it found that the trial court failed to require “that there be specific evidence in the record showing that the [applicant’s] activities would adversely impact wetlands or watercourses.”² The Appellate Court

quoted extensively from the River Bend case in which the Supreme Court referred to “actual adverse impact” for the first time: “The sine qua non of review of inland wetlands applications is a determination whether the proposed activity will cause an adverse impact to a wetland or watercourse.”³

The Appellate Court reviewed the expert reports. It concluded there was no evidence that the proposed activity would have an adverse effect on the wetlands or that the amount of fill would probably erode into the

wetlands. The agency’s expert referred to “potential damage to wetlands” if the detention basin fails. “Evidence regarding potential impacts to wetlands in the event of a failure of the detention basin does not in itself amount to substantial evidence.”

⁴ There was no expert opinion that 1) an adverse impact on the wetland was likely or 2) a failure of the detention basin was reasonably likely to occur.

“Guidance documents do not constitute standards that have the force and effect of law, nor do they constitute expert opinion requiring a specific outcome. Experts may refer to guidance documents, but better be prepared to substantiate their opinions based on conditions at the site.”

Additionally the agency’s expert stated that the location of the detention basin was not consistent with the 2002 Guidelines for Soil Erosion and Sediment Control due to the steep slope. He acknowledged that the detention basin could work but that he “would feel much more comfortable” if the project kept away from the steep slopes.⁵ The expert did not cite any statute, standard or regulation that the proposal violated. The Appellate Court: “although they [the guidelines] may contain a set of beneficial recommendations, non-adherence does not in itself imply a likelihood of adverse impact on wetlands. The requirements of River Bend Associates, Inc. still must

legal, continued on page 4

legal, continued from page 3

be met to justify a denial in these circumstances.”⁶ Guidance documents do not constitute standards that have the force and effect of law, nor do they constitute expert opinion requiring a specific outcome. Experts may refer to guidance documents, but better be prepared to substantiate their opinions based on conditions at the site.

The neighbors testified about their past experiences with flooding in the area. The Appellate Court concluded: None of that testimony addressed “what specific impact the proposed regulated activity would have on the wetlands.”⁷

The Appellate Court concluded that all of the evidence that the agency relied on was speculative in nature. Speculative evidence doesn’t constitute substantial evidence. In the end, agencies and intervenors may wonder if the “deck is stacked against” them. Not all expert opinion is of equal value. If the expert does not believe that the data allow him/her to express an opinion that the outcome will likely occur, his/her opinion that it “might” occur is of limited value. It may assist the agency to focus on what to seek from an applicant or another expert. An expert’s “concern” is an appropriate place for departure. A “concern” is not a legitimate endpoint for an agency to rely on.

Janet P. Brooks practices law in East Berlin. You can read her blog at: www.ctwetlandslaw.com and access prior training materials and articles at: www.attorneyjanetbrooks.com.

(Endnotes)

¹ Estate of Casimir Machowski v. Inland Wetlands Commission, 137 Conn. App. 830, 833 (2012).

² Estate of Casimir Machowski v. Inland Wetlands Commission, 137 Conn. App. 830, 835 (2012).

³ Estate of Casimir Machowski v. Inland Wetlands Commission, 137 Conn. App. 830, 838 (2012), citing River Bend Associates, Inc. v. Conservation & Inland Wetlands Commission, 269 57, 74 (2004).

⁴ (Emphasis in original.) Estate of Casimir Machowski v. Inland Wetlands Commission, 137 Conn. App. 830, 840 (2012).

⁵ Estate of Casimir Machowski v. Inland Wetlands Commission, 137 Conn. App. 830, 841 (2012).

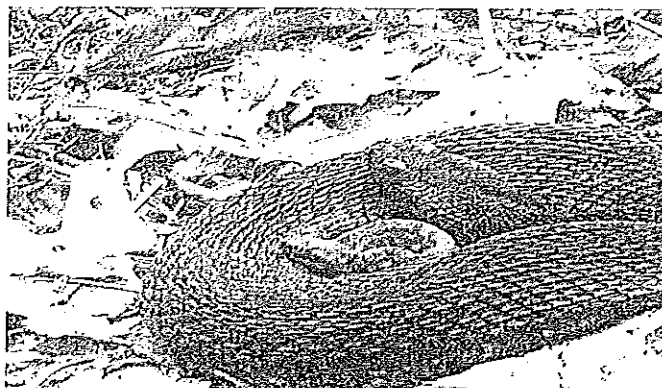
⁶ Estate of Casimir Machowski v. Inland Wetlands Commission, 137 Conn. App. 830, 841 (2012).

⁷ Estate of Casimir Machowski v. Inland Wetlands Commission, 137 Conn. App. 830, 841 (2012).

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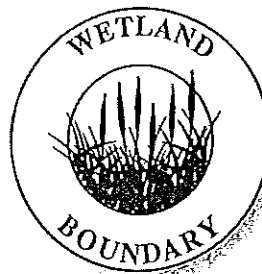
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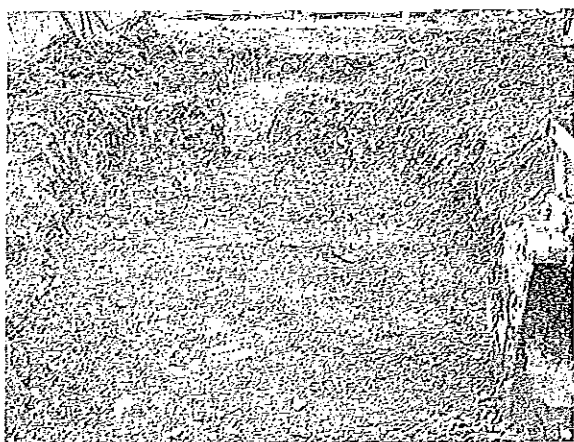
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NAME PLATES

PROUDLY MADE IN THE USA

gravel, continued from page 1

Many streams and rivers in Connecticut are listed on the "Connecticut 303(d) Impaired Water" list. The number one source of water quality degrading pollutants in Connecticut is untreated stormwater runoff from impervious surface. To minimize the growth of, and reduce the list of streams and rivers on the Impaired Water List, the land use management community needs to start requiring primary stormwater treatment, such as a Gravel Wetland, for land use



Excavated Treatment Cells Before Addition of Gravel

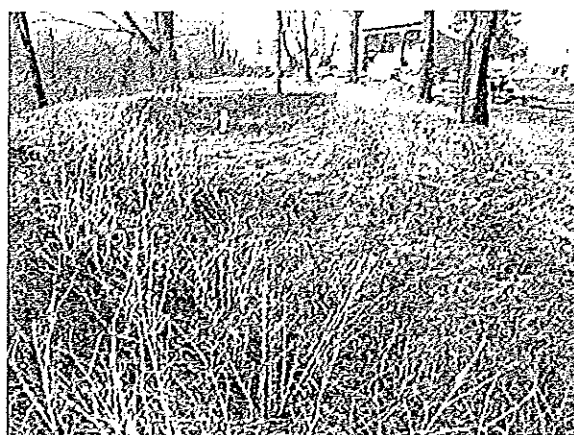
change projects that create polluted stormwater runoff. This is important because most development projects become a permanent source of water quality degrading pollutants. The first step in mitigating this problem would be to incorporate the Stormwater Manual into municipal land use regulations. Then the land use management community can require that all land use change projects (development and redevelopment) be held to the major concepts and rec-



Excavated Treatment Cells Filled With Gravel

ommendations detailed in the Manual. In addition, the Stormwater Manual now has an LID Appendix that details the major principles and concepts of LID planning and design.

I don't mean to imply that development can occur everywhere because we now have the practices and principles of LID. All development has impacts on the environment that need to be balanced with a property owner's wishes, and LID is a paradigm that can help the land use management community minimize environmental degradation.



Complete and Vegetated Gravel Wetland

Many states have already adopted comprehensive LID design regulations that require projects to be built to a prescribed standard. It has been proven many times over that developing land to the principals and standards of LID is cheaper, more efficient at water quality and wetland protection, and more attractive as compared with conventional development practices. The municipal land use management community should require the implementation of all the principles of LID on all permanent land use change projects. In reality, there is no down side.

For additional information please contact Sean Hayden, Executive Director, Northwest Conservation District; Phone: Phone 860.626.7222; Email: seanhayden@conservect.org.

Photo Credits: Sean Hayden



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WE APPRECIATE YOUR SUPPORT! THANK YOU!

As of March 3, 2013, the following Town commissions have supported CACIWC through membership dues for the 2012-2013 fiscal year (July 1, 2012 – June 30, 2013). If your Commission is not on the list, please encourage your commission to join. For a membership dues form go to caciwc.org, click on About CACIWC, scroll to Membership and down load form; or email todell@snet.net. If we are in error we apologize and would appreciate knowing. Member Commissions receive a copy of The Habitat for each commissioner if dues have been paid. Please consider joining as a sustaining member (SUS).

CC = Conservation Commission
IW = Inland Wetlands Commission

CC+IW = Combined Commission
Z+IW = Zoning/Inland Wetlands Commission

Andover	CC		Fairfield	IW		Oxford	CC	(SUS)
Ansonia	CC	(SUS)	Franklin	IW		Oxford	IW	(SUS)
Ansonia	IW	(SUS)	Glastonbury	CC+IW	(SUS)	Plainfield	CC	
Ashford	CC		Goshen	CC		Plainfield	IW	
Ashford	IW		Goshen	IW		Plainville	CC	
Avon	IW		Granby	CC		Plainville	IW	
Avon	CC		Granby	IW		Plymouth	CC+IW	
Barkhamsted	CC		Greenwich	CC	(SUS)	Pomfret	IW	
Barkhamsted	IW		Greenwich	IW	(SUS)	Preston	CC	
Beacon Falls	CC		Griswold	CC+IW	(SUS)	Preston	IW	
Beacon Falls	IW		Groton	CC		Redding	CC+IW	(SUS)
Berlin	CC		Groton	IW		Ridgefield	Z+IW	
Bethany	CC	(SUS)	Guilford	CC		Ridgefield	CC	
Bethany	IW	(SUS)	Guilford	IW		Roxbury	CC	
Bethel	IW		Haddam	CC		Roxbury	IW	
Bethlehem	IW		Haddam	IW		Salem	CC+IW	(SUS)
Bolton	CC		Hamden	IW		Seymour	CC	
Bolton	IW		Hamden	CC		Sharon	IW	(SUS)
Bozrah	CC+IW		Hampton	CC		Shelton	CC	
Branford	CC		Hampton	IW		Sherman	IW	
Branford	IW		Harwinton	IW		South Windsor	CC+IW	
Bristol	CC+IW		Hebron	CC		Southbury	IW	
Brookfield	CC		Kent	CC		Sprague	CC+IW	(SUS)
Brookfield	IW		Killingworth	CC		Sterling	IW	
Brooklyn	CC		Killingworth	IW		Stonington	IW	
Brooklyn	IW		Lebanon	CC		Thomaston	IW	
Canaan	CC+IW		Lebanon	IW		Thompson	CC	
Canterbury	IW		Ledyard	IW		Thompson	IW	
Chaplin	IW		Lisbon	CC		Tolland	CC	
Chaplin	CC		Lyme	CC+IW		Tolland	IW	
Cheshire	IW		Madison	IW		Trumbull	CC	
Cheshire	CC		Manchester	CC		Trumbull	IW	
Clinton	CC+IW		Manchester	Z+IW		Vernon	CC	
Columbia	CC		Mansfield	Z+IW	(SUS)	Vernon	IW	
Columbia	IW		Middlebury	CC		Wallingford	CC	
Coventry	CC		Middlefield	IW		Wallingford	IW	
Coventry	IW		Millford	CC		Warren	CC+IW	(SUS)
Cromwell	CC		Millford	IW		Washington	IW	(SUS)
Cromwell	IW		Monroe	CC+IW		Waterford	CC	(SUS)
Darien	CC+IW	(SUS)	Montville	IW		Watertown	CC+IW	
Deep River	CC+IW		Naugatuck	IW		West Hartford	CC	
Durham	CC		New Canaan	Z+IW		West Hartford	Z+IW	
Durham	IW		New Canaan	CC		Westbrook	CC	
East Haddam	CC		New Fairfield	CC+IW	(SUS)	Westbrook	IW	
East Haddam	IW		New Hartford	CC	(SUS)	Westport	CC+IW	
East Hampton	CC		New Hartford	IW	(SUS)	Wethersfield	IW	
East Hampton	IW		New London	CC+IW		Willington	CC	
East Hartford	CC+IW		New Milford	CC		Willington	IW	
East Lyme	CC		New Milford	IW		Wilton	CC	
East Lyme	IW		Newtown	CC		Wilton	IW	
East Windsor	IW		Newtown	IW		Windsor	CC	(SUS)
Eastford	CC		Norfolk	CC		Windsor	IW	(SUS)
Eastford	IW		North Branford	CC+IW		Windsor Locks	CC	
Easton	CC+IW		North Haven	IW		Windsor Locks	IW	
Ellington	CC		North Stonington	CC		Woodbridge	IW	
Ellington	IW		Norwalk	IW	(SUS)	Woodbury	CC	
Enfield	CC		Old Lyme	IW		Woodbury	IW	
Enfield	IW		Old Saybrook	CC		Woodstock	CC	
Fairfield	CC		Old Saybrook	ft		Woodstock	IW	

Editors Note: Conservation and Inland Wetlands Commissions can provide a very beneficial community service by notifying community leaders and the general public about the impact of phosphorus on water quality and the recent legislation that regulates the use of phosphorus on established lawns. The following article is reprinted with permission.

Soil Nutrient Analysis Laboratory

6 Sherman Place, Box U-102, Storrs, CT 06269-5102 • Phone: 860-486-4274, Fax: 860-486-4562

Your Lawn and The New Phosphorus Law

Last May the Connecticut legislature passed a bill regulating the use of phosphorus on established lawns. The bill went into effect on January 1, 2013. This legislation was enacted because of a little known fact about phosphorus: it is the number one cause of declining water quality in fresh water lakes and ponds in Connecticut.

Anyone who has purchased fertilizer knows that each package comes with a guaranteed analysis or grade consisting of three numbers such as 5-10-5. These numbers stand for the percent, on a dry weight basis, of nitrogen, phosphorus as phosphate and potassium as potash contained in that particular fertilizer. Fertilizers contain these three nutrients because they are often needed by cultivated plants in larger quantities than most native soils can supply for optimal plant growth. Plants need a number of other elements too, but they are usually supplied either by the soil itself or by additions of limestone and organic matter.

Typically nitrogen is associated with green leafy growth and that is why many lawn fertilizers have an analysis like 24-2-8, where the nitrogen content is proportionately high relative to the phosphorus and potassium. Phosphorus is essential for root growth and

flowering, and potassium helps regulate water movement as well as increasing the plant's ability to withstand stresses like disease and winter injury.

When fertilizers, either organic or synthetic, are applied in the correct amounts and at the appropriate times during the growing season, plants will do well and the risk of nutrients entering water bodies will be minimized. Both nitrogen and phosphorus will cause problems when they enter lakes, streams, ponds and other water sources. Because phosphorus especially is low in concentration in native water sources, even the addition of small amounts will stimulate the growth of algae and other water plants and the water body will become eutrophic. As the lush aquatic plant growth dies and decomposes, oxygen levels in the water body become reduced often resulting in fish kills. The bottom line is that phosphorus contamination results in lakes that are undesirable for swimming, fishing and other recreational activities.

The phosphorus that enters water bodies primarily comes from wastewater treatment plants, failing septic systems and fertilizers. Many towns are spending large sums of money to reduce phosphorus from wastewater
phosphorus, continued on page 14



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Paying For Open Space: Are You Prepared?

Is your Commission considering applying for a grant to preserve an important open space? If so it is likely you will need to campaign locally for the 40-50% matching funds required by most grant programs. Outlined below is a campaign strategy the Westbrook Conservation Commission (CC), partnering with The Trust for Public Land (TPL), used successfully for gaining public support for a \$2.2 million open space fund used, in part, for matching state and federal open space grant programs.

Going Public: Developing Citizen Support for An Open Space Program

Establish Credibility and Support Network

- Establish open space preservation as a community project and priority.
- Form Open Space Committee to focus on open space program. Westbrook established a Subcommittee of the Conservation Commission. Subcommittee provided monthly reports to CC.
- Enlist representatives from community groups and public for developing and implementing open space program. Examples are the Land Trust, Garden Club, Board of Recreation.
- Enlist an Advisory Board from Planning and Finance Commissions, UConn Extension Center-NEMO, Regional Planning.
- Make sure all meetings are publicized: establish relationship with local news reporters-keep them informed. E-mail and phone calls work.
- Develop a "Show and Tell" presentation of plan for open space preservation: Goals, objectives, selection criteria, brochures, maps.
- Conduct public meetings to introduce town landscape and natural-resources using GIS/parcel map overlays. Use educators and natural resource professional(s) to explain how maps are used.
- Utilize visuals such as GIS and parcel maps to connect "their neighborhood and homes" with roads, watersheds, and natural resources.
- Engage public to assist with developing criteria for prioritizing open space preservation and acquisition. Hold facilitated workshops.

Develop Funding Options for Open Space Acquisition

- Develop Community Fiscal Portrait to support capital expenditure for open space acquisition.
- Identify other funding options: State-matching funds, Federal funds, Non-profit funding.
- Establish a separate Fund Raising Committee to receive donations or work with land trust to receive donations.
- Formulate Open Space Acquisition and Funding Recommendations.

Gain Support of Town Officials

- Land acquisition proposals must be approved by Planning, Selectmen, Board of Finance, Town Meeting and, likely, Town Referendum (dependent on town charter requirements).
- Keep town officials and land-use staff informed; when appropriate request time on agenda; invite them to public forums.
- Each commission or board usually has monthly meetings; keep time-line for meeting with those you will need for approval and support.
- Provide relationship of open space program to Plan of Conservation and Development. Planning Commissions are required by State Statute to recommend to Selectmen actions to be taken on land acquisition.
- Request town official comments and recommendations, including recommended funding options.
- Be prepared to answer questions.

Maintain a Constant Information/Education Campaign

- Ask for someone to coordinate campaign outreach.
- Use a variety of media and other information sources.
- Develop a schedule for news releases, public meetings and announcement.

Plan Open Space Funding Campaign

- Establish Campaign Calendar (see page 9).
- Establish a non-profit "Committee to Conserve Open Space" to campaign for public and private funds. (Per State statutes, Conservation Commissions cannot campaign for funds.
- Elect officers for the Committee; Open a non-profit bank account to receive donations.

Sample Campaign Calendar for Open Space Referendum
Adapted from Trust for Public Land Model

Activity	Implementation	Who
10 to 14 WEEKS BEFORE VOTING DAY		
Local Support - contact key organizations	Arrange for meetings, prepare presentations; organize committees	CC
Fact Sheet - Q&A	Draft; circulate to CC members for comment	CC
Campaign fund raising	Set up a Political Action Committee (PAC)	CC
News articles Press release	Prepare content (rationale for open space preservation, etc.); obtain comment from CC members; submit to media	TPL / CC
Set up website, facebook, other e-media	Prepare content: maps, photos of parcel, rational for preservation etc.	Website Committee

6 to 10 WEEKS BEFORE VOTING DAY

Obtain approval / support from Boards	Arrange meeting dates with Boards for approvals as required by charter and State statute, and as desired.	TPL/CC
Plan walks on parcel	Invite public to walk and see property.	CC / LT
Print Fact Sheet	Distribute to all residences, post around town.	All

4 to 6 WEEKS BEFORE VOTING DAY

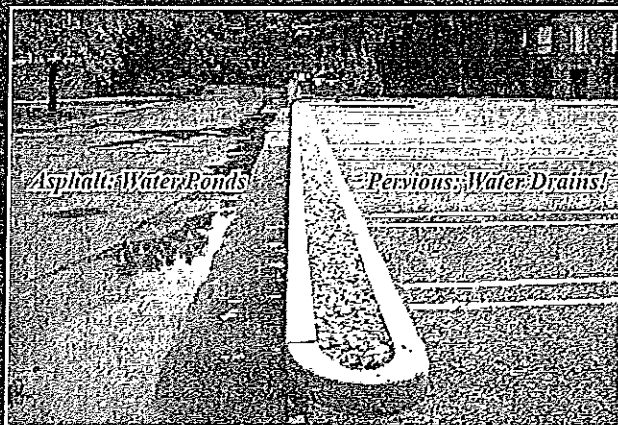
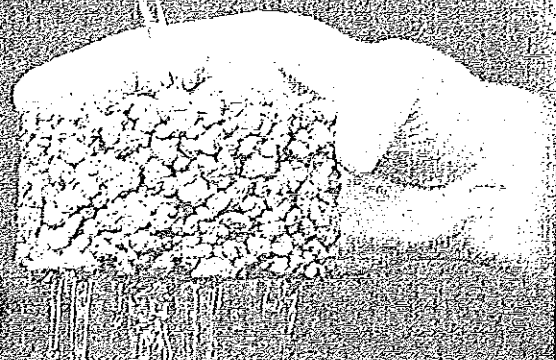
Letters to Editor	Prepare 2 to 3 per week; identify contributors, local leaders.	CC
Calls to residents	Call Land Trust members; residents near open space parcel.	CC / LT
Yard Signs	Prepare lawn signs; put out 4 weeks before vote day.	CC/ TPL

2 WEEKS BEFORE VOTING DAY

Public Meeting	Presentation, information materials, maps, literature	CC / TPL/ LT
Letters to Editor	Continue publications.	CC

TPL = Trust for Public Land; CC = Conservation Commission; LT = Land Trust

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Contact Executive Director Jim Langlois of the Connecticut Concrete Promotion Council
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Council on Environmental Quality Releases "Environmental Quality In Connecticut" For 2012

The state Council on Environmental Quality reviewed environmental data for 2012 and concluded that the indicators used to measure Connecticut's environmental health did not show many signs of improvement.

The Council delivered its annual report on the condition of the state's environment to Governor Dannel P. Malloy, noting that this document marks the 40th anniversary of the Council's inaugural report.

"Connecticut's environment is resistant to improvement," the report begins, highlighting a consistent trend of recent years. This year, the short-term indicators pointed to more declines than improvements.

The Council's report, *Environmental Quality in Connecticut*, presents long-term and short-term trends for about 30 indicators. Regarding the short-term changes, the report says, "In light of Connecticut's persistent efforts to control pollution and manage its resources, some of the declines of 2012 are particularly frustrating":

- more bad air days (that is, days when the air over some or all of the state does not meet standards set to protect human health),
- more widespread hypoxia (insufficient oxygen) in Long Island Sound,
- land conservation results that fell short of Connecticut's long-term goal.

"The improvements of 2012 were few in number and modest in scale," the report says, noting that:

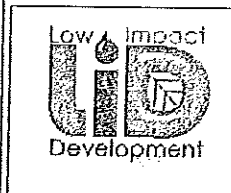
- Shoreline beaches were closed for fewer days in 2012 than in 2011, but the number of closings in 2012 still was well above the long-term average.
- Public drinking water improved, with 99.8 percent of all water piped to customers (2.8 million people) meeting health standards. That percentage was 99.7 in the previous year. The potential to improve further actually is limited because Connecticut has excelled in protecting public drinking water for many years. The report notes that Connecticut is among the very best states in delivering safe drinking water to customers of public water systems.
- Two "personal impact" indicators -- miles driven and bus trips taken by the average resident -- improved.

CEQ, continued on page 11



- * Low Impact Development Analyses, Designs & Regulations
- * Design of Stormwater systems for water quality improvement and volumetric reductions
- * Third-party technical reviews of land development projects
- * General Civil Engineering services for land development projects, including representation at land use agency meetings
- * Expert testimony for court cases
- * Educational workshops on Low Impact Development for Design Professionals, municipal staff and land use commissions

Steven Trinkaus, PE, CPESC, CPSWQ



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CEQ, continued from page 10

This year's report also calls attention to changes in Long Island Sound: sea level is rising at a faster rate, the water is warming, and southern species of fish are moving in as colder-water species move out. The Council says that the state needs to pay attention to the gradual changes, as gradual changes can become sudden changes.

The report also notes that many of the persistent problems in Connecticut's environment, including summertime air pollution and low oxygen levels in the Sound, are made worse by a warming climate.

The Council makes recommendations to the Governor and General Assembly separately from this annual status report. Nonetheless, the Council suggests in this report that, "The key ingredients of a cleaner Connecticut are relatively simple and few in number:

- more efficient and technologically-advanced heating and cooling equipment and vehicles;
- investment in the basics of sewage treatment, land conservation, parks and other essential services;
- better patterns of land development and transportation, including a strategy for dealing with the rising Sound and,
- restoration of rivers, wetlands, parks, trails and greenways by state and local governments as well as nonprofit organizations and heroic individuals."

This year's report is designed to be read online and features several innovations including interactive graphs and a summary page, "2012 at a Glance." Some additional data for 2012 are expected in the weeks ahead, and readers are encouraged to sign up through the Council's website to receive notices as the report is updated.

The Council on Environmental Quality submits Connecticut's annual report on the status of the environment to the Governor pursuant to state statutes. Additional responsibilities of the Council include review of construction projects of other state agencies, publication of the twice-monthly Environmental Monitor, and investigation of citizens' complaints and allegations of violations of environmental laws. The Council is a nine-member board that is independent of the Department of Energy and Environmental Protection (except for administrative functions). The chairman and four other members are appointed by the Governor, two members by the President Pro Tempore of the Senate and two by the Speaker of the House.

The annual report, Environmental Quality in Connecticut, is available on the Council's website at www.ct.gov/ceq/AnnualReport.



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Community Farms Preservation Program

The newly created Community Farms Preservation (CFP) program is geared toward smaller farms and requires a municipal partner. It has resulted in 24 new municipalities entering into cooperative agreements with the Connecticut Department of Agriculture during the last year alone. These efforts have led to 11 new CFP program applications.


The purpose of this new pilot CFP program is to encourage locally supported farmland preservation on smaller farms that have excellent agricultural soils and contribute to local economic activity, but which may not be eligible for other protection programs.

For municipalities to qualify, they must enter with the Connecticut Department of Agriculture into cooperative agreements that do the following:

- recognize farmland preservation in the municipal plan of conservation and development
- establish an agricultural commission and/or program for farmland preservation
- inventory local farmland resources
- establish local scoring criteria for prioritizing local farms
- designate or have a local funding mechanism
- request identification of locally important farmland soils through the USDA (see page 16).

Acre by acre, the Connecticut Department of Agriculture's Farmland Preservation Program continues working toward its long-time goal of protecting 130,000 acres of farmland, including 85,000 acres of cropland. In the year ahead—as recommended by the Connecticut General Assembly's Legislative Program Review and Investigations Committee in its December 2012 Results Based Analysis—the Farmland Preservation Advisory Board will be conducting research, study, and review of this goal to determine if an adjustment is appropriate.

In total, the program has now preserved farms in 75 of Connecticut's 169 municipalities and in all eight counties. Development rights acquisitions now total 296 farms and 38,546 acres, or 30 percent of the program's goal.

If you are aware of farmers thinking of preserving their farm or farmland, the Connecticut Department of Agriculture welcomes their application. Applications are accepted on a continuous basis. Preserved farms have met minimum eligibility requirements and have successfully competed with other priority farms for farmland preservation funds. Owners of farms ineligible for this program may be referred to other state or federal programs, or to local land trusts. For an application or more information, please call 860-713-2511 or visit www.ct.gov/doag. 

Agricultural Resources


Planning for Agriculture Guide - 2nd Edition

"Planning for Agriculture: A Guide for Connecticut Municipalities." is a joint initiative of American Farmland Trust and the Connecticut Conference of Municipalities. This publication has been a key resource for Agriculture Commissions and is a good guide for Conservation Commissions interested in promoting agriculture as part of their open space program. The 2nd Edition provides updates on resources, grant programs, legislation and case studies that will be very useful to agricultural producers and municipal decision-makers alike. The full document can be downloaded at <http://tinyurl.com/Planning4AG>.

Farmland ConneCTions Guide

The Farmland ConneCTions guide, produced by UConn Extension and American Farmland Trust, is meant to assist municipalities, land trusts, and other institutions with leasing farmland to keep protected lands in productive agriculture. The guide can be downloaded at http://www.farmland.org/documents/FINAL_AFTFarmlandConneCTions_lo.pdf.

Connecticut Department of Agriculture Grant & Loan Programs

Information about the state's Farmland Restoration Program and the Community Farms Program, both in their first year can be found at <http://www.ct.gov/doag/cwp/view.asp?a=1366&q=499192>. 

CACIWC news, continued from page 2

as one of our vacant county representative, alternate county representatives or in one of the new alternate at large representative positions.

3. Are you too busy to join the board at this time but would enjoy working on CACIWC issues?

We are forming several additional CACIWC advisory committees to help us with our education and outreach efforts, help us select new goals and objectives for our updated strategic plan, or participate in the review of legislative initiatives. Let us know by sending your name and interest area to us at board@caciwc.org.

4. To help promote the next generation of Connecticut conservationists, the CACIWC Board of Directors has accepted a role in the **Connecticut Science & Engineering Fair (CSEF)** for Connecticut secondary school students. As I write this column, CACIWC Board Treasurer Charles Dimmick and I are preparing to serve as coordinating judges for the environmental science awards in this year's CSEF. The CACIWC Board will be conducting other activities to increase interest in conservation and wetlands protection among Connecticut students this year. Watch this column for more information!

5. **Membership dues** are an essential part of our operating budget. They support various CACIWC programs including our Annual Meeting, educational materials, and *The Habitat*. During the next few months you will be receiving a reminder and renewal form for the 2013-14 membership year, which begins on July 1, 2013. A copy of this form and additional information will be placed on our website: www.caciwc.org. Would you or your company like to provide additional support to CACIWC? The website also provides a description of additional individual and business membership categories. We will very much appreciate any additional contributions to support CACIWC education and outreach efforts!

Please do not hesitate to contact us via email at board@caciwc.org if you have questions or comments on any of the above items or if you have other questions of your board of directors. We thank you for your ongoing efforts to protect wetlands and conserve natural resources in your town!

Alan J. Siniscalchi, President

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phosphorus, continued from page 7

discharges, and many are working with homeowners that reside near water bodies to rectify problems with septic systems. The Connecticut legislature decided that the decline in water quality was significant enough to merit restrictions of phosphorus-containing fertilizers on established lawn areas. Golf courses and agricultural land are exempt from this regulation. What will this law mean for those responsible for maintaining a lawn area? If seeding or sodding a new lawn area or overseeding an existing lawn, no changes to your fertilizer regimen is needed. Typically new plantings of any crop benefit from the addition of some phosphorus to aid in root growth establishment so turfgrass starter fertilizers or complete garden fertilizers can be used at rates recommended on the package or by a soil test report.

Established lawns do not have high phosphorus requirements and once optimum amounts are established in the soil you will supply sufficient phosphorus for good growth simply by leaving grass clippings on the lawn. The new legislation prohibits the application of lawn fertilizers containing phosphorus on established lawns unless a soil test, done within the past two years, shows that phosphorus is deficient and phosphorus needs to be applied. A quick glance at some name brand fertilizer websites shows that many of the larger companies have no-phosphorus synthetic fertilizers available, most likely in response to the growing number of states that are passing laws restricting phosphorus fertilizer use.

The biggest challenge is going to be for those wanting to maintain their lawns using natural organic lawn fertilizer products because it is much easier to manufacture chemical fertilizers that do not include phosphorus than it is to remove phosphorus from an organic fertilizer or soil amendment such as fish meal or compost.

Some choices for materials that contain low or no-phosphorus include: Corn gluten (9-0-0) or bloodmeal (12-0-0) can be used to supply nitrogen to lawns, and greensand (0-0-3) and sul-po-mag (0-0-22) may be used to supply potassium. There are a few blended organic fertilizers that are appropriate for lawns and that do not contain phosphorus.

Any fertilizer, soil amendment or compost that contains less than 0.67% phosphorus is exempt from the phosphorus restriction. Composts made from only

leaves typically contain low amounts of phosphorus and could be used to topdress established lawns to improve organic matter levels if necessary. We recommend you test any compost or soil amendment for phosphorus content before application. The University of Maine (<http://anlab.umesci.maine.edu/>) and Penn State University (<http://aasl.psu.edu/>) have laboratories that test compost for nutrient content.

The legislation also restricts the application of phosphorus-containing fertilizers to lawn areas between December 1 and March 15. The University of Connecticut, however, recommends applying fertilizers, to lawns or to any other plants, only between April 15 and October 15 when plants are typically still actively growing.

No fertilizers containing phosphorus can be used on lawn areas that are less than 20 feet away from any body of water unless applied with a drop spreader, rotary spreader with a deflector or targeted liquid spray in which case the application may be within 15 feet of a water body. Phosphorus containing fertilizers are also not to be applied to any impermeable surface. The CT Department of Agriculture is responsible for enforcement of this law.

If you have questions about the phosphorus legislation or soil testing, you can call the Soil Nutrient Analysis Laboratory (860) 486-4274 from 8:30 am to 4:30 pm Monday to Friday.

by Dawn Pettinelli & Thomas Morris, UCSNAL 3-2013

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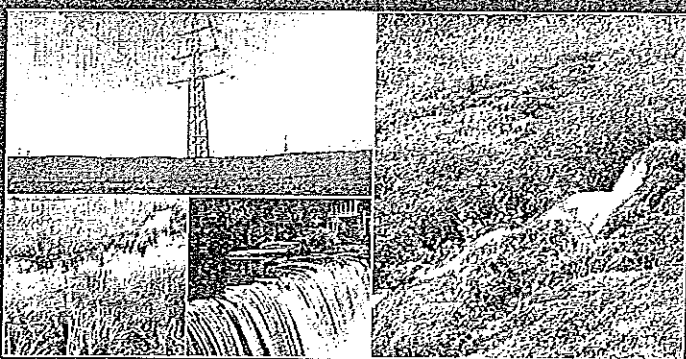
Invasive Plants Council Annual Report

Connecticut's Invasive Plants Council's 10th annual report is now available online; visit www.cipwg.uconn.edu/ipc.html and select "2012 Annual Report." The report highlights actions undertaken in Connecticut to address problems caused by terrestrial and aquatic invasive plants.

The report highlights:

- Continued coordination of water chestnut control and removal throughout the Connecticut River.
- Ongoing efforts to inform the public about threats from invasive plants and to gather information on new infestations,
- Continuation of efforts by the green industry (led by the Connecticut Nursery and Landscape Association) to phase out 25 of the highest-seed producing varieties of Japanese barberry by 2013,
- Evaluating new species for listing, including some species of running bamboo,
- Adding mugwort (*Artemisia vulgaris*) to the list of potentially invasive plants in Connecticut.

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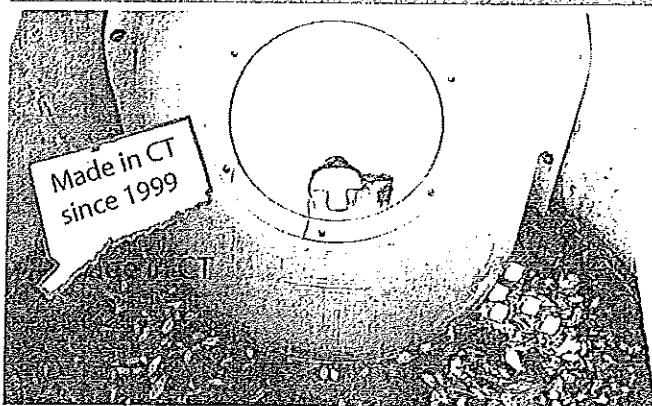
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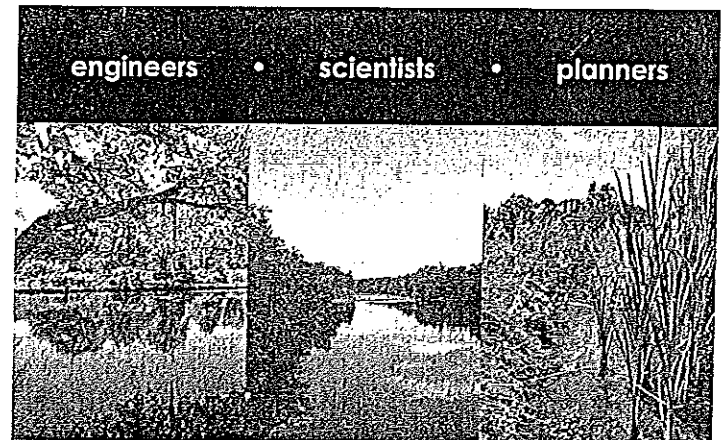
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Editor's Note: Conservation Commissions could take the lead by asking the highest ranking town official to request CT NRCS for assistance in identifying farmland soils as part of their open space planning.

How to Request Locally Important Farmland Soils Designation

From the Connecticut Natural Resources Conservation Service

1. The highest ranking elected official for your town requests, in writing, to the CT NRCS State Conservationist, that they would like our assistance in the identification of farmland soils of local importance. Why they want this designation should be included (have areas that are farmed that are not Prime or Statewide Important farmland; to enhance efforts in identifying important lands to protect, etc.). Send to: Lisa Coverdale, State Conservationist, USDA NRCS, 344 Merrow Road, Suite A, Tolland, CT 06084.
2. NRCS receives the letter of request and runs an analysis of the soils and soil map units in the town that have the potential to be farmland of local importance, based on physical and chemical properties and agricultural limitations and potential. NRCS develops a spatial map layer that displays the new designated soils.
3. The list and map are sent to the town for review. If the list and map are accepted by the Town, the highest ranking elected official signs and returns it to NRCS.
4. It is then official and can be used for planning and land protection efforts. Areas that have designated local important farmland soils are placed in Section II of the CT eFOTG at <https://efotg.sc.egov.usda.gov/treemenuFS.aspx> under soils information.

The entire process which is provided at no cost to the town can be completed quite quickly depending on the time it takes to route the paperwork and obtain signatures.



Connecticut Department of
Energy & Environmental Protection
Bureau of Materials Management & Compliance Assurance
Engineering & Enforcement Division

Permit Application for the Use of Pesticides in State Waters

Please complete this form in accordance with section 22a-66z CGS and the instructions (DEP-PEST-INST-200) in order to ensure the proper handling of your application. Print or type unless otherwise noted. You must submit the initial fee along with this form.

CPPU USE ONLY

App #: _____

Doc #: _____

Check #: _____

Program: Aquatic Pesticides

Part I: Application Description

Town where site is located: Mansfield

Brief Description of Project: **Requesting** ☐ A single year permit ☐ A multi-year permit
Aquatic Pesticide Application of Hendrick Pond in Mansfield

Part II: Fee Information

A fee of \$200.00 (#1009) is to be submitted with *each* permit that you are applying for. Each site requires a separate permit. There is no discount for municipalities. The application will not be processed without the fee. The fee shall be non-refundable and shall be paid by check or money order to the Department of Energy and Environmental Protection.

Part III: Site Location

Name of Waterbody: Hendrick Pond

Street address and/or description of location:
39 Candide Lane

City/Town: Mansfield

State: CT

Zip Code: 06268

Part IV: Applicant Information

- *If an applicant is a corporation, limited liability company, limited partnership, limited liability partnership, or a statutory trust, it must be registered with the Secretary of State. If applicable, the applicant's name shall be stated exactly as it is registered with the Secretary of State. This information can be accessed at (www.concord-sots.ct.gov/CONCORD/index.jsp)*
- If an applicant is an individual, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.)*

Hendrick Pond

Part IV: Applicant Information (continued)

1. Applicant Name: Aquatic Control Technology

Mailing Address: 11 John Road

City/Town: Sutton

State: MA Zip Code: 01590-2509

Business Phone: (508) 865-1000

ext.: Fax: (508) 865-1220

Contact Person: Marc D. Bellaud

Phone: (508) 865-1000 ext.

*E-mail: info@AquaticControlTech.com

*By providing this e-mail address you are agreeing to receive official correspondence from the department, at this electronic address, concerning the subject application. Please remember to check your security settings to be sure you can receive e-mails from "ct.gov" addresses. Also, please notify the department if your e-mail address changes.

- a) Applicant Type (check one): ☐ individual ☒ *business entity ☐ federal agency
☐ state agency ☐ municipality ☐ tribal

*If a business entity:

- i) check type: ☐ corporation ☒ limited liability company ☐ limited partnership
☐ limited liability partnership ☐ statutory trust ☐ Other: _____

- ii) provide Secretary of the State business ID #: 0296392 This information can be accessed at _____

- iii) ☐ Check here if you are **NOT** registered with the Secretary of State's office.

b) Applicant's interest in property at which the proposed activity is to be located:

- ☐ site owner ☐ option holder ☐ lessee
☐ easement holder ☐ operator ☒ pesticide applicator
☐ other (specify): _____

- ☐ Check if any co-applicants. If so, attach additional sheet(s) with the required information as requested above.

2. Billing contact, if different than the applicant.

Name:

Mailing Address:

City/Town:

State: Zip Code:

Business Phone:

ext.: Fax:

Contact Person:

Phone: ext.

E-mail:

3. Primary contact for departmental correspondence and inquiries, if different than the applicant.

Name:

Mailing Address:

City/Town:

State: Zip Code:

Business Phone:

ext.: Fax:

Contact Person:

Phone: ext.

*E-mail:

*By providing this e-mail address you are agreeing to receive official correspondence from the department, at this electronic address, concerning the subject application. Please remember to check your security settings to be sure you can receive e-mails from "ct.gov" addresses. Also, please notify the department if your e-mail address changes.

Part IV: Applicant Information (continued)

4. List only one owner of the site to be treated.

Name:

Mailing Address: 39 Candide Lane

City/Town: Mansfield

State: CT

Zip Code: 06268

Business Phone: 860-432-6857

ext.:

Fax:

Contact Person: Ms. Georgina Hendrick

Phone:

ext.

E-mail: georgieh04@sbcglobal.net

5. List the person or company applying the pesticides.

Name: Aquatic Control Technology

Mailing Address: 11 John Road

City/Town: Sutton

State: MA

Zip Code: 01590-2509

Business Phone: (508) 865-1000

ext.:

Fax: (508) 865-1220

Contact Person: Marc D. Bellaud

Phone:

ext.

E-mail: info@AquaticControlTech.com

Certification Number: S-3791

Part V: Site Information

1. COASTAL AREA: Is the pesticide application located in a municipality within the coastal area?

☐ Yes ☒ No (check town list in the instructions)

If yes, is the water being treated subject to the ebb and flow of the tides, or inundated by saline or brackish water at least once a month? ☐ Yes ☒ No

If the water being treated is subject to the ebb and flow of the tides, or is inundated by saline or brackish water at least once a month, you must submit a Coastal Consistency Review Form (DEP-APP-004) with your application as Attachment C.

For assistance in determining if the water being treated is affected by tidal water as described above or in completing the Coastal Consistency Review form, contact the Office of Long Island Sound Programs (OLISP) at 860-424-3034.

2. ENDANGERED OR THREATENED SPECIES: According to the most current "State and Federal Listed Species and Natural Communities Map", is the activity which is the subject of this application located within an area identified as a habitat for endangered, threatened or special concern species or located less than ½ mile upstream or downstream of such an area? ☐ Yes ☒ No Date of Map Dec 2012

If yes, complete and submit a Request for NDDB State Listed Species Review Form (DEP-APP-007) to the address specified on the form, prior to submitting this application. Please note NDDB review generally takes 4 to 6 weeks and may require additional documentation from the applicant. A copy of the completed Request for NDDB State Listed Species Review Form and The CT NDDB response *must* be submitted with this completed application as Attachment D.

For more information visit the DEEP website at www.ct.gov/deep/nddbrequest or call the NDDB at 860-424-3011.

Hendrick Pond

Part V: Site Information (continued)

3. **AQUIFER PROTECTION AREAS:** Is the site located within a town required to establish Aquifer Protection Areas, as defined in section 22a-354a through 354bb of the General Statutes (CGS)?

☒ Yes ☐ No To view the applicable list of towns and maps visit the DEEP website at www.ct.gov/deep/aquiferprotection

If yes, is the site within an area identified on a Level A or Level B map? ☐ Yes ☒ No

If your site is on a Level A or Level B map, you are not required to register under the Aquifer Protection Program, *however* you must follow proper spill control measures to prevent potential contamination of drinking water. If you should have a spill, please call the emergency hotline **immediately** at 860-424-3338.

4. **CONSERVATION OR PRESERVATION RESTRICTION:** Is the property subject to a conservation or preservation restriction? ☐ Yes ☒ No None to the best of our knowledge

If Yes, proof of written notice of this application to the holder of such restriction or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction must be submitted as Attachment F.

5. Type of area to be treated: ☐ Tidal Waters ☒ Pond or Lake ☐ Stream

6. Is the waterbody located in a public water supply watershed? ☐ Yes ☒ No

7. Where does the waterbody flow to? Cider Mill Brook

Is the outflow usually flowing? ☐ Yes ☒ No Can outflow be stopped? ☒ Yes ☐ No

8. Identify the size of the waterbody: Length (ft.) Width (ft.) Acres 0.3
Maximum Depth (ft.) 15 Average Depth (ft.) 8 Volume (Ac-ft) 2.4

9. Portion of the waterbody to be treated: 0.3 Acres 2.4 Volume (Ac-ft.)

10. Does the waterbody have public access? ☐ Yes ☒ No

11. Is the waterbody stocked with fish by the state? ☐ Yes ☒ No

12. Identify use(s) of waterbody:

☐ domestic water supply ☐ irrigation ☐ watering livestock ☐ swimming ☒ fishing

13. Are there any downstream users of the water who may be affected by treatment? ☐ Yes ☒ No

If yes, please explain:

None, to the best of our knowledge

Hendrick Pond

Part V: Site Information (continued)

14. Within 1/2 mile of the treatment area, are there any public or private drinking water wells 50 ft. or less from the shoreline? ☐ Yes ☒ No

15. Identify all plants or animals to be controlled:
waterlilies, Filamentous Algae, Naiad, Elodea

16. Identify all types of fish present:
algae, #NULL#

17. Identify proposed chemicals to be used, the amount per treatment and number of treatments:

<i>Chemical</i>	<i>Amount per Treatment</i>	<i>Number of Treatments</i>
a) Reward	0.45 gallons	1
b) Aquathol K	3.5 gallons	1
c) Captain	1.5 gallons	2
d) AquaPro	1 quarts	2

18. Projected date(s) of pesticide use: 7/1, 8/1

19. List prior years in which chemicals were applied to this waterbody: None

Hendrick Pond

Part VI: Supporting Documents

Be sure to read the instructions (DEP-PEST-INST-200) to determine whether the attachments listed are applicable to your specific activity. Check the applicable box below for each attachment being submitted with this application form. When submitting any supporting documents, please label the documents as indicated in this part (e.g., Attachment A, etc.) and be sure to include the applicant's name as indicated on this application form.

- ☒ Attachment A: An 8-1/2" x 11" legible copy or original of a USGS Topographic Quadrangle Map (scale 1:24,000) indicating the exact location of the area to be treated.
- ☒ Attachment B: *Applicant Compliance Information Form* (DEP-APP-002), if applicable.
- ☐ Attachment C: *Coastal Consistency Review Form* (DEP-APP-004), if applicable.
- ☐ Attachment D: **Copy of the completed *Request for NDDB State Listed Species Review Form* (DEP-APP-007) and the NDDB response, if applicable.**
- ☒ Attachment E: Copy of certified mail receipt verifying that this completed application has been sent to the local inland wetlands agency. For multiple applications submitted to the local inland wetlands agency under one certified mail receipt, please attach a copy of such receipt to each application being submitted to the department.
- ☐ Attachment F: Conservation or Preservation Restriction Information, if applicable.

Please note that local inland wetlands agencies may have additional requirements pertaining to the application of aquatic pesticides to waterbodies located under their jurisdiction.

Part VII: Application Certification

The applicant *and* the individual(s) responsible for actually preparing the application must sign this part. An application will be considered insufficient unless *all* required signatures are provided. Please also check the box and provide the date for which you sent one copy of this completed application to the appropriate local inland wetland agency.

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.

I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

I certify that this application is on complete and accurate forms as prescribed by the commissioner without alteration of the text.

☒ I also certify that I have sent one copy of this completed application to the appropriate local inland wetland agency on 5/29/2013 "Date

Marc D. Bellaud

5/29/2013

Signature of Applicant

Date

Marc D. Bellaud

President

Name of Applicant (print or type)

Title (if applicable)

Dominic M. Meringolo

5/29/2013

Signature of Preparer (if different than above)

Date

Dominic Meringolo

Senior Environmental Engineer

Name of Preparer (print or type)

Title (if applicable)

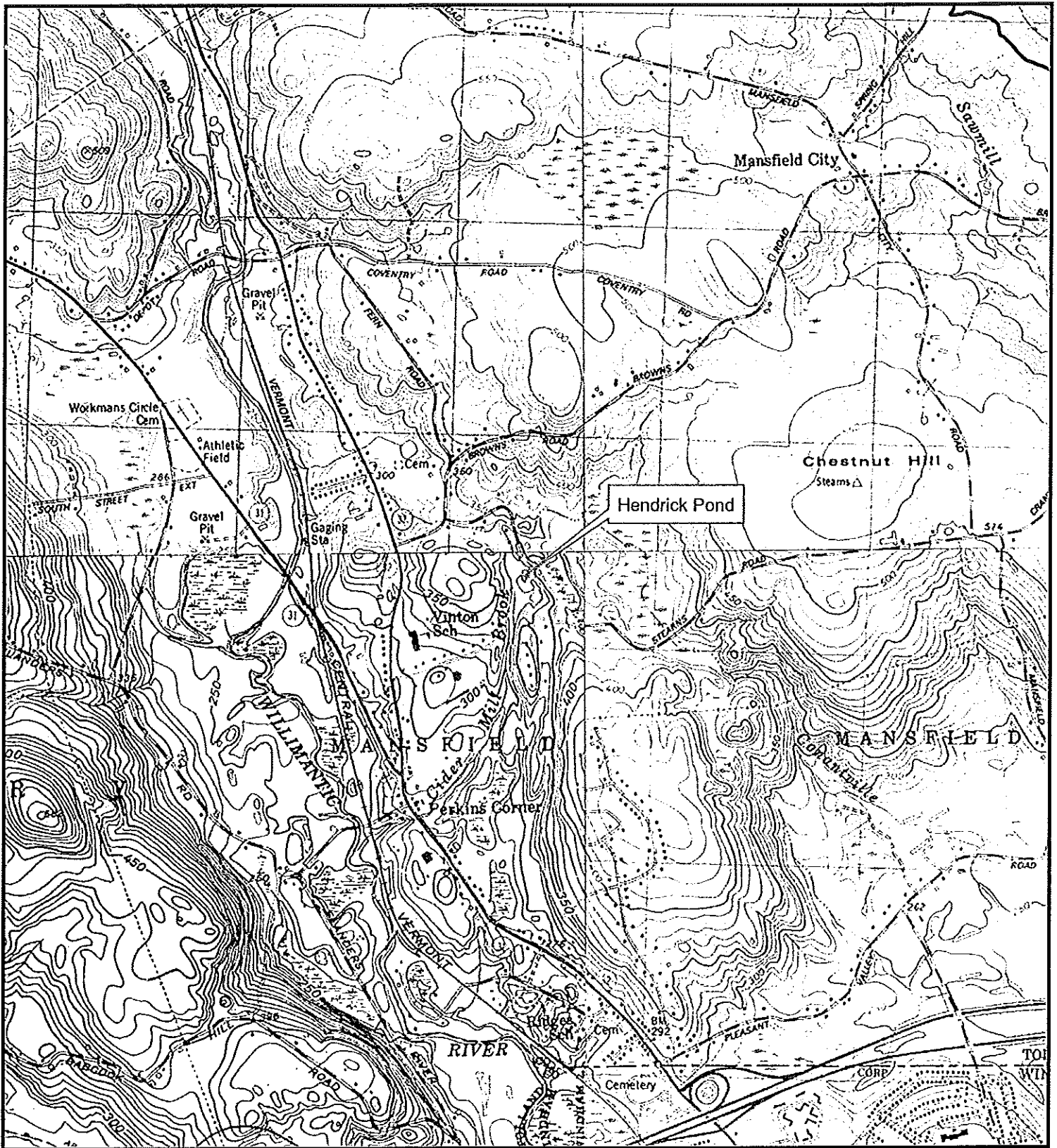
☐ Check here if additional signatures are required. If so, please reproduce this sheet and attach signed copies to this sheet.

Note: Please submit this completed Application Form, Fee, and all Supporting Documents to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Please also submit a copy of this completed application to the local inland wetlands agency.

Hendrick Pond



Hendrick Pond

Mansfield, CT

Locus Map

FIGURE:	SURVEY DATE:	MAP DATE:
1		5/2013

Legend:



0 650 1,300 2,600 3,900 5,200 Feet

AQUATIC CONTROL TECHNOLOGY, INC.

11 JOHN ROAD
SUTTON, MASSACHUSETTS 01550
PHONE: (508) 865-1000
FAX: (508) 865-1220
WEB: WWW.AQUATICCONTROLTECH.COM



NOTICE OF PUBLIC HEARING

Diversion of Water Application No. DIV-201205385
Inland Wetlands and Watercourses Application No. 201205383
Town: Mansfield
Waters: Cedar Swamp Brook

The Department of Energy and Environmental Protection ("DEEP") has made a tentative determination to approve an application submitted by the University of Connecticut (the "applicant") under section 22a-368 of the Connecticut General Statutes (CGS) for a permit to divert the waters of the state, and under section 22a-39 CGS for a permit to conduct a regulated activity in an inland wetland or watercourse.

The proposed activities include the following: 1) construction of a 3,400-foot, 2-lane, 32-foot wide road through land adjacent to the University of Connecticut's core campus known as the "North Campus" including three wetland crossings and stormwater treatment structures, 2) widening of Rte. 44 at terminus of North Hillside Rd. for turning lanes, and 3) creation of six conceptual development envelopes on six parcels of future research and technology space. The proposed activity will affect 0.53 acres of inland wetlands and watercourses.

Pursuant to section 22a-371 and 22a-39 CGS, DEEP will hold a public hearing on this application beginning on Thursday, July 25, 2013, 6:00 pm, in Room SU-104 (across from the Blue Cow Dairy Bar) of the University of Connecticut's Student Union located at 2110 Hillside Road, Storrs. The applicant will hold a preliminary informal question and answer session for interested members of the public at 5:00 pm on July 25th in Room SU 104 of the University of Connecticut's Student Union. The hearing will be continued in the Russell Room at DEEP Headquarters, 79 Elm Street, 3rd Floor, Hartford on Tuesday, July 30 and Wednesday July 31, 2013 (if needed), each day starting at 9:30 am. Written comments will be accepted in person at the evening hearing and if submitted to the Office of Adjudications via e-mail (deep.adjudications@ct.gov), fax (860-424-4052), or mail (Office of Adjudications, DEEP Headquarters, 79 Elm Street, 3rd Floor, Hartford, 06106) by the close of business on August 5, 2013. Members of the public should check the DEEP Calendar of Events on the DEEP website (<http://www.depdata.ct.gov/calendar/>) for any alterations to this hearing schedule, including additional hearing dates or cancellations.

The Department will hold a site visit on Thursday, July 25, 2013 commencing at 1:00 pm at the north end of Hillside Road Extension on the Storrs campus of the University of Connecticut. This site visit is a public meeting, but is not for the purpose of collecting evidence and therefore will not be conducted on the record.

The application is available for inspection at the DEEP Headquarters, 79 Elm Street, Hartford. Questions may be directed to Doug Hoskins of the Inland Water Resources Division at 860-424-4192.

Date: June 10, 2013



Cheryl A. Chase, Director
Inland Water Resources Division
Bureau of Water Protection and Land Reuse

ADA PUBLICATION STATEMENT

The Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to requirements of the Americans with Disabilities Act. To request an accommodation call 860-424-3194, or email deep.hrmed@ct.gov

Mr. Arthur P. Christian II, Supervising Civil Engineer
DEEP/Bureau of Water Protection and Land Reuse
Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means one calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed before the next day which is not a Saturday, Sunday or a Connecticut or federal holiday.

Dam Owner/Operator Liability

Your attention is further directed to Section 22a-406 of the Connecticut General Statutes: "Nothing in this chapter and no order, approval or advice of the Commissioner, shall relieve any owner or operator of {a dam} from his legal duties, obligations and liabilities resulting from such ownership or operation. No action for damages sustained through the partial failure of any structure or its maintenance shall be brought or maintained against the state, the Commissioner of [Energy and] Environmental Protection, or his employees or agents."

This authorization constitutes the permit required by Section 22a-403 of the Connecticut General Statutes.

Date

5/24/13


Macky McCleary, Deputy Commissioner

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